

Docket: 006783.P042



Patent

**AMENDMENT UNDER 37 C.F.R. §1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2672**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Peter Bernard

Application No: 09/439,482

Filing Date: November 12, 1999

For: High Fidelity Color Images

Examiner: Daniel J. Chung

Art Unit: 2672

Confirm. No. 1692

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action mailed on July 20, 2004, please enter the following amendments and consider the following remarks.

FIRST CLASS CERTIFICATE OF MAILING

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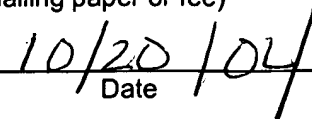
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Date



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PETITION FOR WITHDRAWAL OF FINALITY OF THE OFFICE ACTION under CFR
1.181

Sir:

In response to the Examiner's Final Office Action of July 20, 2004, for the above referenced case, applicants request the withdrawal of the finality of the Office Action for the reasons articulated below.

FIRST CLASS CERTIFICATE OF MAILING

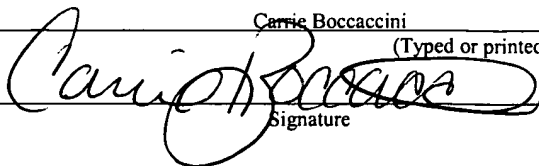
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on:

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Date

10/20/04

Serial. No.: 09/439,482

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Docket No.: 006783.P042

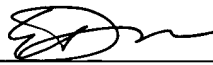
In the Final Office Action of July 20, 2004, the Examiner introduced a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an IDS filed during period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). Therefore, the final rejection is premature. (MPEP 706.07(a).) Accordingly, the applicants respectfully request that the Examiner withdraw the finality of the Office Action.

If there are any additional charges, please charge them to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 10-20-04, 2004



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